



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Jeff A. Lau  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
City and County of Honolulu  
530 South King Street, Room 110  
Honolulu, Hawaii 96813

Re: Freedom of Information Act Request EPA-R9-2015-006194

Dear Mr. Lau:

This is the final response to your Freedom of Information Act (FOIA) request for all documents relating to the National Pollutant Discharge Elimination System (NPDES) Permit No. HI 0020877 for the Honouliuli Wastewater Treatment Plant ("HWWTP") issued on February 28, 2014, effective March 30, 2014. In order to streamline our search, you agreed that we would search for records between December 27, 2010 (the date the permit application was submitted to the Hawaii Department of Health) and April 15, 2015 (the date of the FOIA request). You also agreed we could limit the search to electronic documents. As with the three previous interim responses, we have uploaded the documents responsive to your request onto FOIA Online at: <https://foiaonline.regulations.gov>.

In many cases, the information you requested was included with other non-responsive information and where appropriate we have also released the non-responsive information. However, a number of documents, or portions of documents are exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b) (Exemptions 5 (deliberative process) and 7 (enforcement confidential)) and have been withheld from release. In many cases, those documents or portions of documents were not themselves responsive, but were attached to an email that was responsive. In other cases, the document itself was responsive but is exempt from mandatory disclosure. An itemized list by categories of the withheld material along with the basis for withholding is provided on the enclosure to this letter.

We also have determined that a portion of one record (an ftp site log-in and password) may contain trade secrets or commercial information which is exempt from disclosure under 5 U.S.C. 552(b)(4). Pursuant to 40 C.F.R. 2.204(d)(1), your request as it relates to this material is being initially denied because further inquiry by EPA is required before a final determination can be made. Please let us know if you would like us to proceed with a formal determination about the confidential nature of the information.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), or 1301 Constitution Avenue, N.W., Room 6416J, Washington D.C. 20004 (hand delivery, courier service or overnight delivery) FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Your appeal must be made in writing, and must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed and includes the assigned FOIA request number EPA-R9-2015-006194.

For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Elizabeth Sablad in the NPDES Permits Section at 415-972-3044 or Ellen Blake with the Office of Regional Counsel at 415-972-3496 should you have any questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy Woo", with a stylized flourish extending to the right.

Nancy Woo  
Acting Director, Water Division

Enclosure

## Itemized List by Categories of Withheld Material

Documents containing information responsive to FOIA Request No. EPA-R9-2015-006194 but exempt from mandatory disclosure:

Document Description	Basis for Exemption	FOIA Exemption Number
Redacted information containing trade secrets and commercial or financial information.  1 document	<ul style="list-style-type: none"><li>Commercial, financial, trade secret information privilege</li></ul>	Exemption (b)(4)
Intra-agency communications between EPA staff, EPA managers and attorneys, and draft documents concerning permit issuance schedules and matters for Region 9 states and 2015 Hawaii Permit Quality Review (PQR).  Approximately 3 documents redacted, 75 documents withheld	<ul style="list-style-type: none"><li>Attorney-client privilege</li><li>Deliberative process</li></ul>	Exemption (b)(5)
Redacted or withheld non-responsive records or information compiled for law enforcement purposes, including emails and memoranda containing data collected for enforcement and/or revealing enforcement techniques, procedure, file systems, attached to responsive emails.  Approximately 20 documents redacted, 9 documents withheld	<ul style="list-style-type: none"><li>Records or information compiled for law enforcement purposes, the disclosure of which would reasonably interfere with enforcement</li></ul>	Exemption (b)(7)(A) and (E)

